

APR 23 2011

Board of Vocational Nursing
and Psychiatric Technicians

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BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. PT-2009-2820

JOHN A. MINUGH
P.O. Box 1088
Atascadero, CA 93423
Psychiatric Technician License No. PT
21914

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about September 12, 1972, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License Number PT 21914 to John A. Minugh ("Respondent"). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs, under the authority of the following

1 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
2 indicated.

3 4. Pursuant to Code section 4520, "Every licensed psychiatric technician under this
4 chapter may be disciplined as provided in this article. The disciplinary proceedings shall be
5 conducted by the board in accordance with Chapter 5 (commencing with Section 11500) of Part 1
6 of Division 3 of Title 2 of the Government Code."

7 5. Section 118, subdivision (b), of the Code provides that the expiration of a license
8 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
9 within which the license may be renewed, restored, reissued or reinstated.

10 6. Section 4521 of the Code provides, in pertinent part:

11 "The board may suspend or revoke a license issued under this chapter for any of the
12 following reasons:

13 (a) Unprofessional conduct, which includes, but is not limited to, any of the following:

14 ...

(e) Giving any false statement or information in connection with an application.

15 ...

(i) The use of excessive force upon or the mistreatment or abuse of any patient..."

16 **REGULATORY PROVISIONS**

17 7. California Code of Regulations section 2576.5 provides, in pertinent part:

18 "The licensed psychiatric technician performs services requiring technical and manual
19 skills which include the following:

20 (a) Uses and practices basic assessment (data collection), participates in planning,
21 executes interventions in accordance with the care plan or treatment plan, and
22 contributes to evaluation of individualized interventions related to the care plan or
23 treatment plan.

(b) Provides direct patient/client care by which the licensee:

(1) Performs basic nursing services as defined in subdivision (a)..."

24 8. Code of Regulations section 2576.6 provides, in pertinent part:

25 "... (b) A licensed psychiatric technician shall adhere to standards of the
26 profession and shall incorporate ethical and behavioral standards of professional practice which
27 include but are not limited to the following:

(1) Maintaining current knowledge and skills for safe and competent
28 practice;

(2) Maintaining patient/client confidentiality;

- (3) Maintaining professional boundaries with the patient/client;
- (4) Abstaining from chemical/substance abuse; and
- (5) Cooperating with the Board during investigations as required by Section 4521.2 of the Business and Professions Code.

...
(c) A violation of this section constitutes unprofessional conduct for purposes of initiating disciplinary action.”

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Failed to Provide Basic Client Care)

10. Respondent is subject to disciplinary action under section 4521, subdivision (a) of the Code and section 2576.5, subdivision (b)(1), of the California Code of Regulations for unprofessional conduct in that Respondent failed to provide basic client care. The circumstances surrounding Respondent’s failure to provide basic client care are as follows:

a. On or about December 9, 2002, Respondent was hired by the Atascadero State Hospital as a licensed psychiatric technician.

b. On or about April 17, 2009, Respondent was assigned to monitor a patient who was in a seclusion room because the patient posed a danger to others. While on assignment, Respondent fell asleep.

c. On or about April 18, 2009, Respondent was assigned to monitor a patient who was in a seclusion room because the patient posed a danger to others. While on assignment, Respondent fell asleep.

d. On or about June 23, 2009, Respondent was assigned to monitor a patient who was in a seclusion room because the patient was at risk of falling due to the patient’s mental condition. While on assignment, Respondent fell asleep.

1 e. On or about December 11, 2009, Respondent was assigned to monitor a patient
2 because the patient was refusing to eat, drink, or take medication. Respondent left the patient
3 unattended.

4
5 f. On or about May 21, 2010, Respondent was assigned to monitor a patient who was in
6 a seclusion room because the patient posed a danger to others. While on assignment, Respondent
7 fell asleep.

8 g. On or about September 24, 2010, Respondent was dismissed from his position at the
9 Atascadero State Hospital.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Failed to Maintain Ethical/Behavioral Standards)**

12 11. Respondent is subject to disciplinary action under section 4521, subdivision (a) of the
13 Code and section 2576.6, subdivisions (b) and (c), of the California Code of Regulations for
14 unprofessional conduct in that Respondent failed to adhere to ethical and behavioral standards of
15 professional practice. The circumstances surrounding Respondent's failure to maintain ethical
16 and behavioral standards of professional practice are set forth more fully in paragraph 10,
17 subparagraphs (a) through (f), inclusive, above, and herein incorporated by reference.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(False Statement on License Application)**

20 12. Respondent is subject to disciplinary action under section 4521, subdivision (e), of
21 the Code in that Respondent made a false statement in connection with his application for
22 licensure. The circumstances surrounding Respondent's false statement made in connection with
23 his application for licensure are as follows:

24 a. On or about December 7, 2009, Respondent submitted a renewal application to the
25 Board.

26 b. On the renewal application, Respondent was asked the following question, "Have you
27 complied with the fingerprint requirement as directed above under 'fingerprint requirement'?"

28 c. To this question, Respondent answered, "yes."

1 d. Under penalty of perjury, Respondent signed his renewal application confirming that
2 the information provided on the renewal application was true and correct.

3 e. Respondent has not complied with the fingerprint requirement and has failed to
4 submit a live scan fingerprint form to the Board.

5 **FOURTH CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 13. Respondent is subject to disciplinary action under section 4521, subdivision (a) of the
8 Code for unprofessional conduct. The circumstances surrounding Respondent's unprofessional
9 conduct are as follows:

10 a. On or about April 17, 2009, while a patient was sweeping floors, Respondent
11 challenged the patient to a fight stating, "come on then you punk [expletive], I am not afraid of
12 you, if you are going to hit me, then hit me."

13 **PRAYER**

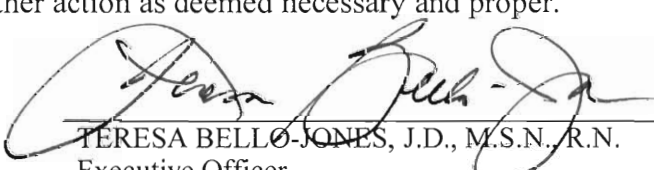
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
16 issue a decision:

17 1. Revoking or suspending Psychiatric Technician License Number PT 21914, issued to
18 John A. Minugh;

19 2. Ordering John A. Minugh to pay the Board of Vocational Nursing and Psychiatric
20 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
21 Business and Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: April 5, 2011

24 
TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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